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DOCUMENTS

RELATIVE TO

THE CLAIM

OF

MRS. DECATUR,

WITH HER

EARNEST REQUEST

THAT

THE GENTLEMEN OF CONGRESS WILL TAKE
THE TROUBLE TO READ THEM.

Georgetown, D. C.

JAMES C. DUNN, PRINTER; BRIDGE-STREET.

1826.

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LIBRARY OF CONGRESS
CITY OF WASHINGTON.

GEORGETOWN, December 1st, 1826.

DEAR SIR:

I cannot help fearing that, in the interval which has elapsed since the adjournment of Congress, the merits of my claim may have escaped from your memory, and my documents from your hands; and I therefore again beg leave to draw your attention to them. I have during the recess, collected some further testimony, which was called for at the last session, and which, I trust, will be found to corroborate that which had been previously laid before you.

It was asserted during the discussion of the claim, to be "highly improbable that the ship could have been taken out of the harbour; the wind being ahead." In answer to which, I beg leave to point out the *unquestionable* fact, that the wind was so far favourable as to enable the ketch to clear the harbour in a very short time, and without any material injury; and I will also refer you to the public histories of the transaction, (which I shall subjoin) published many years ago, when the historians could have had no motive for misrepresenting the state of the wind; for they could not have supposed that either national or individual glory had been obtained from "sailing triumphantly out of the harbour with a *favouring* breeze." It was moreover the opinion of my husband, that he could have towed the ship out (the distance being only two miles) if the wind had been adverse; that her guns, which were all loaded, would have protected the ketch while engaged in that operation; that it being dark, they had nothing to apprehend from the batteries; and that it was the flames of the frigate that exposed them to the view of the enemy, and greatly increased the peril of the enterprise. The opinion of Com. Jones, who was in Tripoli at the time, and the certificate of the pilot of the expedition, I submitted to you on a former occasion.

There were some other objections raised against the claim, which I think would be obviated by a careful perusal of Commodore Preble's orders: they were not to set fire to the ship with congreve rockets; nor with matches clandestinely applied; nor by any *stratagem* that did not imply previous victory, and *actual* possession;—but his first order was to “board,”—which in technical language means, to fight in the most desperate manner,—and to “carry all by the sword”; and so soon as that was accomplished, the prize was, under the existing law, the property of the captors; and if they had been permitted to take her to the squadron, the existing law would have secured to them all the benefits. That she was not so disposed of, was owing wholly to the imperative order of the commander in chief, who thought it more prudent to have her differently disposed of; but he had no idea that his order to burn, could affect in any degree the rights of the captors; and he was so mortified to find the ship was not promptly paid for, that he offered to divide his fortune with my husband, whose judgment and wishes he had opposed.

And now let me ask you, my dear sir, whether it would be worthy of a great and high-minded nation like this, to avail herself of a trifling *informality* in the law, caused by her own agent, to evade a just debt—I might almost say, to “defraud the fatherless children and widow, and those who have none to help them”—and in a case too where you have actually received value more than an hundred fold?—for the ransom alone of the crew of the Philadelphia, at the ordinary price you were then paying for your seamen, (3000 dollars per head—and they would probably have charged much more for officers) would have amounted to more than nine hundred thousand dollars; to which you may add the two hundred thousand, which you were annually compelled to pay in *tribute* and presents; and moreover, the continual drafts that were made upon the Treasury for the

ransom of your seamen, who were daily falling into the hands of those barbarians, and exposed to all sorts of cruelty and hardships; and also the property, amounting to upwards of two hundred thousand dollars, which my husband recovered from them during his last cruize, and which your government considered so hopeless, that they did not even authorize him to ask for it;—and if the Philadelphia had remained in the possession of the enemy, you must have fitted out a much larger squadron; for they were then superior to you, and looked upon you with contempt and ridicule.—so much so, as to offer to *sell* you a peace for a million of dollars, which you may see by referring to the files of the Navy Department. And when you recollect all these benefits, which you have *actually* received,—to say nothing of the national character obtained—I am sure you will not wish to evade a debt due upon every principle of equity;—of generosity;—and of public gratitude! Let it not be said that a nation which has been *nobly generous*, can take shelter under the *letter* of the law, to be unjust.

I understood that some members of the House of Representatives proposed to place this claim upon the same footing as the *Guerriere* and the *Java*—prizes made in the *ordinary* routine of duty, with a superior force on our part; and which were destroyed at the discretion of the captors! But I do hope that no one upon reflection, could *seriously* wish so to do; for, the re-capture of the *Philadelphia* has hitherto stood unparalleled in the annals of your navy; and although the money is of *vital* importance to all the parties concerned, yet we would all greatly prefer that the nation should continue to enjoy all the benefits, *gratis*, than to have the heroism of the enterprise depreciated merely to avoid paying for it!

Congress did not hesitate to pay the full value of the sloop of war *Hermes*, which was blown up in consequence of anchoring within musket-shot of one of your garrisons, and

without any circumstance of particular danger or enterprise on the part of her destroyers:—and would you do less in the case of a forlorn hope:—voluntarily undertaken, to relieve your citizens from slavery and despair, and your government from the humiliation of being baffled as it had been for nearly two years, and in the eyes of all Europe, by a petty barbarous foe! The value of the ship at that period, was \$300,000, which may be ascertained by a reference to the Navy Department.

There was also some difficulty started as to the proper division of the amount. It was my husband's opinion that the general law for the distribution of prize money could not be *fairly* applied to this case; because that law was founded upon the presumption that the commander acts with his *full* crew; and never contemplated a case where he should take a mere *handful* of them, and capture a frigate of the largest class;—and he thought that the sum voted, ought to be divided in the same proportions to each individual concerned, according to his grade, as prevailed in the cases of the *Guerriere*, *Macedonian*, and *Java*—those being the only ships of the same class of the *Philadelphia*, that have ever been captured by our naval forces. And I presume that no person can think that he who planned, suggested, and executed this perilous exploit, had less merit than those commanders (he himself being one of them) who only met the enemy on the high seas, in the *ordinary* routine of duty, with more than equal force, and who would have been disgraced had they avoided a contest;—and more especially when it is recollected that had it not been for this enterprise, you would, in all human probability, have been at this day as you then were, subjected to the humiliation of paying an enormous annual tribute! And whatever proportion of this claim my husband was entitled to, you are bound to give me: He bequeathed to me *all* his rights; and you cannot divert any portion of them from me, to give to others—how-

ever more deserving—without derogating from the character of his public services;—they were as great in comparison with those who served under him, as those of any other commander;—and if you were to pass a law awarding to him a smaller relative proportion of the amount, it would be a vote of *censure*, instead of approbation; and I cannot help thinking that that would be a most ungrateful return for a whole life devoted to the glory of his country, and finally sacrificed for what he considered the best interests of the navy. He never had the slightest *personal* difference with his adversary; but he did conscientiously believe that he had disgraced the flag—and that he would do so again in the hour of trial! and that it would be ruinous to the navy to have him reinstated over the heads of those who had borne the heat and burthen of the war. In support of this opinion he sacrificed his life: and it was as much an act of devoted patriotism as any one that marked his distinguished career!

It was also asked whether the Syren ought not to participate? My husband thought not. The general law for the distribution of prize money, decides that all vessels in *sight* shall participate; because their presence serves to overawe the enemy, and influences a surrender. But in this case the enemy was wholly unapprised of the attack, and unconscious that the Syren was in their vicinity; and she did not succeed in rendering any assistance whatever.

It has been intimated that some portion of the *pecuniary* compensation might be deducted in consequence of the *honorary* rewards bestowed upon him. But that has never yet been done in a single instance since the establishment of the navy; and I hope I shall be excused for thinking that this is not a case on which to form a precedent derogatory to the commander. Captain Charles Morris was promoted from a Lieutenant to a Post Captain (although the grade of Master Commandant was then established, which was not the case at the period of my husband's promotion,) for being First Lieutenant on board the Constitution when she cap-

tured the *Guerriere*; and yet it was never suggested that he ought to be deprived of a single cent of his prize money in consequence of the honorary reward.

It was also asserted that if there had been any ground for the claim, it would not have been suffered to sleep so long. My husband's motives for postponing his application, I stated in a letter which I took the liberty to address to you last session; a copy of which I shall subjoin, with a note upon the same subject, from the Hon. Littleton W. Tazewell.

The bill reported by the Naval Committee, at the last session, was drawn upon the principle recommended by Captains Jones and Spence; and it has been submitted to Captains Crane, Ridgely, Read, Creighton, Rodgers, and Warrington; who all concur in thinking the distribution contained in it, as equitable as any that could be applied to such a case.

As I cannot have the advantage of explaining to you in person (as other claimants have) the merits of my claim, I hope you will do me the favour to read with attention, *all* the documents; and in that case, I am sure you will be fully convinced of its justice;—for I do know that my beloved husband never, in the whole course of his life, set up a pretension, either public or private, that did not ultimately prove to be founded in justice.

I remain very respectfully

Yours.

S. DECATUR.

DOCUMENTS.

A letter from Dr. Ridgely, Surgeon of the Frigate Philadelphia.

ANNAPOLIS, Nov. 10, 1826.

MADAM,

Your letter of the 2d inst. has just been received, and I hasten to reply to it. I have a distinct—an indelible recollection of the leading events of our imprisonment. The Pacha and his court did not attempt to conceal their exultation on the capture of the frigate Philadelphia. It was a jubilee in Tripoli. So extravagant were his calculations, that he would not listen to any proposal of peace and ransom, for a less sum than one million of dollars. In this condition of affairs, it would have been impolitic to have opened a negotiation. It would have been regarded as an evidence of fear and imbecility. This tone of confidence and triumph continued, until the daring enterprise led on by your gallant and lamented husband, illuminated his castle with the blaze of his trophy. The sensation produced by the achievement, was indescribable—consternation and dismay were depicted on every face. But the best evidence of its impression, was the frequent conferences of the Pacha with the Consuls, his undisguised desire to make peace, and his proposition to that effect, on terms much more moderate—I think \$200,000. The terror inspired by the recapture and conflagration (increased by the attack of the gunboats, on the 3d of August, 1804,) was felt during the war, and its influence was acknowledged when the treaty of peace was signed.

It may not be known to you, Madam, that I was appointed to the Consulship of Tripoli after the war, and obtained this and other information from one of the European Consuls, with whom the Pacha often conferred during our captivity, and to whom he confided his difficulties and danger.

Description can convey but an inadequate idea of the horrors of our imprisonment. We were confined in a dungeon in the centre of the castle, into which no air or light could find access, but through a small iron grate in the terrace or ceiling. To privation of pure air, wholesome food, &c. was added the annoyance of noxious reptiles. The desperation of the officers may be inferred from two attempts to es-

cape; one by undermining, and the other by passing over the walls of the castle. An account of these enterprises and their failure, may be found in the biography of Com. Porter, published some years since, (1815, I think) in the *Analectic Magazine and Naval Chronicle*.

When any communication between the Squadron and the Castle was announced, joy and gladness were diffused through our gloomy cells, and reiterated disappointment could not dispel the cherished hope that the happy hour of emancipation had arrived. Even at this distant period, the heart sickens at the recollection of "hope long deferred."

That a generous legislature may grant this just claim, is the confident belief of one, who knew and appreciated the high-minded and chivalric officer on whose services it is founded.

I am, Madam, with sentiments of the highest respect and consideration, your obedient servant.

JOHN RIDGELY.

Extract of a letter from the Hon. Littleton W. Tazewell.

MY DEAR MRS. DECATUR:

In reply to your letter of the 22d ult. (which owing, I presume, to some accident, has just been received) I will state to you, that during the lifetime of your late husband, I had many conversations with him, upon the subject of his claim upon the Government of the U. S. for the capture and destruction of the frigate *Philadelphia*. The first of these conversations took place, I think, in 1806, soon after he established himself in this place. In this, his object was to consult me professionally, as to the validity of this claim, and as to the proper course to be adopted, to obtain the payment of the amount, should I think the claim just. I then investigated the subject very maturely, and gave him a long written opinion upon it, in which I stated the reasons that induced me to consider it, not only a fair claim upon this Government, but one which it was his duty to prefer, as the guardian and protector of the officers and people who were associated with him in this daring and honourable enterprise.

Of one thing I am very certain, that during the whole course of his life, Commodore Decatur was firmly and fully persuaded, that he, his officers and crew, had a just claim upon the U. S. for the value of the frigate *Philadelphia*,

which they had captured, and burnt by the express order of their Commanding Officer.

I am, very respectfully and sincerely,

Yours.

(Signed)

LITT'N. W. TAZEWELL.

Norfolk, Sept 7th, 1826.

Letter from Col. Benton, of the Senate.

MY DEAR MADAM,

The vessel to which your note refers, was the sloop of war *Hermes*, commanded by Capt. Sir Wm. Henry Perdy. This sloop led the attack upon Fort Boyer, Mobile point, in September, 1814, and had the boldness to anchor within musket shot, where the fire of the garrison destroyed her, and blew her up. She was paid for by the act of Congress, upon the petition of the garrison, in March, 1816.

Yours, most sincerely.

(Signed)

THOMAS H. BENTON.

Mrs. DECATUR.

March 8th, 1826.

Com. Decatur and Mr. Shaler to Mr. Monroe.

U. S. Ship GUERRIERE, BAY OF ALGIERS, }
July 4th, 1815. }

SIR,

We have the honour to refer you to the official reports of Commodore Decatur to the Navy Department, for an account of the operations of this squadron, previously to our arrival off Algiers on the 28th ultimo.

Having received information, that the Algerine Squadron had been at sea for a considerable time longer than that to which their cruises usually extend, and that a despatch boat had been sent from Gibraltar to Algiers, to inform them of our arrival in the Mediterranean, we thought they might have made a harbour where they would be in safety. We, therefore, whilst they were in this state of uncertainty, believed it a proper moment to deliver the President's letter, agreeably to our instructions. Accordingly, on the 29th ult. a flag of truce was hoisted on board the *Guerriere*, with a Swedish flag at the main. A boat came off about

noon, with Mr. Norduling, Consul of Sweden, and the Captain of the Port, who confirmed the intelligence we had before received, and to whom we communicated information of the capture of their Frigate and Brig. The impression made by these events was visible and deep. We were requested by the Captain of the Port, Mr. Norduling declaring that he was not authorized to act, to state the conditions on which we would make peace; to which we replied, by giving the letter of the President to the Dey, and by a note from us to him, a copy of which (No. 1) we have the honour to transmit herewith.

The Captain of the Port then requested that hostilities should cease, pending the negotiation, and that persons authorized to treat should go on shore; he and Mr. Norduling both affirming that the Minister of Marine had pledged himself for our security and return to our ships, when we pleased. Both these propositions were rejected, and they were explicitly informed, that the negotiation must be carried on, on board the fleet, and that hostilities, as far as they respected vessels, could not cease. They returned on shore. On the following day, the same persons returned; and informed us that they were commissioned by the Dey to treat with us on the proposed basis, and their anxiety appeared extreme to conclude the peace immediately.

We then brought forward the model of a treaty, which we declared would not be departed from in substance; at the same time declaring, that although the United States would never stipulate for paying tribute under any form whatever, yet that they were a magnanimous and generous nation, who would, upon the presentation of Consuls, do what was customary with other *great* nations in their friendly intercourse with Algiers.

The treaty was then examined, and they were of opinion that it would not be agreed to in its present form; and particularly requested that the article requiring the restitution of the property they had captured, and which had been distributed, might be expunged, alleging that such a demand had never before been made upon Algiers. To this it was answered that the claim was just, and would be adhered to.— They then asked, whether, if the treaty should be signed by the Dey, we would engage to restore the captured vessels; which we refused. They then represented that it was not the present Dey who had declared the war, which they acknowledged to be unjust, conceding that they were wholly in the wrong, and had no excuse whatever; requesting, how-

ever, that we would take the case of the Dey into consideration, and upon his agreeing to terms with us more favourable than had ever been made with any other nation, to restore the ships, which they stated would be of little or no value to us, but be of great importance to him, as they would satisfy the people with the conditions of the peace we were going to conclude with him. We consulted upon this question, and determined that considering the state of those vessels, the sums which would be required to fit them for a passage to the United States, and the little probability of selling them in this part of the world, we would make a compliment of them to his highness in the state they then were; the Commodore engaging to furnish them with an escort to this port. This, however, would depend upon their signing the treaty, as presented to them, and could not appear as an article of it, but must be considered as a *favour* conferred on the Dey by the United States. They then requested a truce to deliberate upon the terms of the proposed treaty, which was refused. They even pleaded for three hours. The reply was, "not a minute—if your squadron appear in sight before the treaty is actually signed by the Dey, and the prisoners sent off, ours will capture them." It was finally agreed that hostilities should cease, when we should perceive their boat coming off with a white flag hoisted; the Swedish Consul pledging his word of honour not to hoist it unless the treaty was signed, and the prisoners in the boat. They returned on shore, and although the distance was full five miles, they came back within *three hours*, with the treaty signed as we had concluded it, and the prisoners.

During the interval of their absence, a corvette appeared in sight, which would have been captured, if they had been detained one hour longer. The treaty has since been drawn out anew, translated by them, and duly executed by the Dey, which we have the honour to transmit herewith.

Mr. Shaler has since been on shore, and the cotton and the money mentioned in the 4th article, have been given up to him. They now show every disposition to maintain a sincere peace with us, which is doubtless owing to the dread of our arms; and we take this occasion to remark, that, in our opinion, the only secure guarantee we can have for the maintenance of the peace just concluded with these people, is the presence in the Mediterranean of a respectable naval force.

As this treaty appears to us to secure every interest within the contemplation of the Government, and as it really

places the United States on higher ground than any other nation, we have no hesitation on our part in fulfilling such of its provisions as are within our power, in the firm belief that it will receive the ratification of the President and Senate.

We have the honour to be,
With great respect, &c. &c.

(Signed)

STEPHEN DECATUR.
WILLIAM SHALER.

The Hon. JAMES MONROE, Sec. of State.

Com. Decatur to the Secretary of State.

U. S. Ship Guerriere, }
MESSINA, August 31st, 1815. }

SIR:

Since I had the honour of communicating to you the result of our negotiation at Algiers, I have visited Tunis and Tripoli with a part of the squadron under my command. On my arrival at those places, I found that the British had, during the late war, violated the neutrality of those ports by cutting out from each of them, two prizes of the American privateer Aboelino. On my arrival at the Bay of Tunis, the facts I have stated were communicated to me. The information of our having humiliated Algiers, and brought her to our own terms so speedily, had preceded us, and filled those people with an alarm that was apparent. I therefore concluded that the present moment would be the best for urging our claim for indemnification; and although I did not feel myself legally authorized to enter into a negotiation which might compromise the peace of the nation, I considered the risk so small, and the reputation the country would acquire, so great, should we succeed, that I decided to proceed in it. I accordingly addressed a note (of which No. 1 is a copy) to the prime minister. To this note I received an answer, acknowledging the justice of the claim; but begging that the term of twelve months might be allowed in which to pay the money, and requesting that I would go on shore to see the Bey. I replied that I still insisted upon immediate justice being done; and that until I had received assurances of this, I could not wait upon his excellency. On the following day I received a second communication from the prime minister, informing me that the Bey had decided to

pay the money as I required. I then went on shore, and waited upon the Bey, who received me very civilly.

The Bey paid into the hands of our Consul, who had been appointed agent for the privateer, forty-six thousand dollars. This was the amount specified in the protest. The prizes were valued at what they would have been then worth in America at the war prices.

The affair with Tripoli was arranged very much in the same manner, and with equal facility. The Bashaw had heard of our intended visit, and had collected twenty thousand Arabs, horse and foot. So soon as we appeared off the town, Mr. Jones, our Consul, came on board. He had refused to hoist the flag of the U. S. since the day the prizes were cut out of the harbour. No. 3 is a copy of the communication I made to the prime minister on my arrival. In answer, he admitted the justice of the claim, but desired an abatement of the amount. I considered myself bound to adhere to the amount stated in the protest. On the next day the Governor of Tripoli came on board; and it was agreed that if the Pacha would pay into the hands of the Consul, the value of the two prizes, as estimated in the protest, and would deliver on board the squadron ten Christian captives, the national flag should again be hoisted, provided they would salute it with thirty-one guns, the number given to the French flag—twenty-seven being the usual number. The money, amounting to twenty-five thousand dollars, was paid into the hands of Mr. Jones, and eight Neapolitan captives, and two Danish captives, were sent on board the squadron. No. 4 is a copy of the Consul's acknowledgment of the final termination of this affair.

I have the honour to be, with high respect and consideration, sir, your most obedient servant.

(Signed)

STEPHEN DECATUR.

The Hon. JAMES MONROE.

Com. Decatur to the Prime Minister of Tunis.

U. S. Ship Guerriere, }
Bay of Tunis, July 26, 1815. }

SIR:

I have the honour to enclose to your excellency a despatch from the Department of State of the United States, by which you will perceive the friendly disposition of my Government towards the Bey and Regency of Tunis. When

that despatch was written, it was believed that an equally friendly disposition existed on the part of Tunis. With surprise, I understood, on my arrival in the Mediterranean, that the treaty existing between the two countries had been violated on the part of Tunis—first by permitting two vessels, which had been captured by an American vessel, to be taken out of the port of Tunis by a British cruiser; and secondly, by sanctioning a company of Jew merchants, subjects of Tunis, in taking the property of an American citizen at their own price and much below its real value.

In consequence of this information, so soon as we had obtained justice from Algiers for their aggressions, I hastened to this port, with the power and disposition to exact from this Regency an observance of our treaty. I now require an immediate restitution of the property, or of its value. Your excellency will perceive the necessity of the earliest attention to this communication, and of making known to me the decision of his excellency the Bey, with the least possible delay.

I have the honour to be with great consideration, your excellency's most obedient servant.

(Signed) STEPHEN DECATUR,
Com. in Chief of the Naval Forces in the Med.

Destruction of the Philadelphia Frigate.

The memorial of Mrs. Decatur to Congress, praying for herself and crew of the Philadelphia frigate, that the value of said frigate may be paid, has excited considerable surprise in the country. It was not for a moment supposed, that amidst the gratuities, pensions, and appropriations for services rendered during the revolutionary and late wars, that a *debt* of so high and important character was still unpaid by the nation. There appears, however, to be but one voice on the subject, viz: that the same justice and liberality which have been awarded to others should in this case cancel a claim which has slept too long.

The Mediterranean was the cradle of the American navy. Its character and discipline—its subsequent success in war—its influence in peace—and its present high character throughout the world, have their origin in the wars declared against the several powers on the Barbary coast; and in that school of fierce contention and ultimate glory were the Hulls, Bainbridges, and Decatur's—the Perrys, Lawrences,

McDonoughs, Joneses, and the galaxy of naval heroes taught to fight and conquer. It is not therefore surprising that the nation should be anxiously alive to the discussion of any claim arising from services rendered in that remote quarter of the world.

Having passed some time on the Barbary coast in the public service, it became necessary to make myself familiar with the relations between the United States and those regencies; not only from their commencement, but to trace their history, the treaties, tributes, and diplomatic intercourse, as well as the wars, which finally established the independence of our flag on the coast of Africa.

Our difficulties first commenced with Tripoli—with the Pacha of which kingdom, as well as the other states, we had some indefinite arrangements; and for some time prior to the appearance of a naval force in the Mediterranean, our merchant vessels and seamen were protected by the British, Swedish, and such friendly powers, who had for many years treaties with the Barbary states—aided by occasional donations and tributes which were considered adviseable in preference to war, at a period when the naval force of the country was too limited for a hazardous experiment, and when the formidable strength and atrocious piracies of the Barbary corsairs paralyzed the efforts of the Christian powers.

As the commerce of the United States increased in the Mediterranean, the friendly interference of European powers in our behalf was considerably diminished; and it is not uncharitable to believe, that commercial rivalry first suggested to the Pacha of Tripoli to demand a considerable and perpetual tribute, or give us the alternative of war; either of which was not at that period desirable.

The capture of several of our vessels, and the consequent slavery of our citizens, roused the people to a sense of their wrongs, and war was formally declared against the Pacha of Tripoli, and our disposable force was sent to the Mediterranean, with all the young officers, including Decatur, who have subsequently perpetuated the glory and triumphs of the American flag.

This war with Tripoli was of vital importance to a nation having an infant navy, and desirous of establishing a name and a character among the governments of the earth. It was not simply to chastise an African pirate, and abolish tribute; it was to secure for ever to the American flag, that

freedom which it claimed, and to which it was every where pre-eminently entitled.

The nation, therefore, in tracing the triumphs, the discipline, and high character of the American Navy to the war with Tripoli, cannot avoid being grateful to all who distinguished themselves in that memorable contest, and to reward with honour and profit those who achieved important victories.

The war at its commencement and for two years dragged heavily, without any of those animating results, which the people fondly anticipated—it was a dull routine of blockade, costly, unpropitious, and discouraging—occasional proofs of valour and seamanship were discernible—jealousies and bickerings broke out among senior officers, who, far removed from their government, were compelled to exercise discretionary powers—the expense of the war was not unfelt; and taking the unpromising state of things into consideration, the Government of the United States did contemplate at one period proposing such terms of peace and payment of a small tribute, which several of the European powers then complied with; and the unfortunate capture of the Philadelphia frigate and long captivity of her officers and crew, did not tend to inspirit the nation to a further and more active prosecution of the war. The circumstances attending the capture of that vessel, are well known.

The Philadelphia frigate, commanded by Capt. Bainbridge, in sailing close to the town, struck on a rock, and became stationary under the powerful batteries of the citadel. A brisk fire between each was sustained for several hours, until the tide falling, the ship settled, and her gun-wales were under water, and the Captain, officers, and three hundred men, became prisoners of war. The Tripolitans took possession of the ship, warped her at high tide from the rocks, moored her under the castles, with the crescent waving over the star-spangled banner, while the crew were carried captives to the dungeons, to undergo the most painful suffering.

It was at this juncture when the ship was in possession of the enemy, and under the protection of several hundred pieces of ordnance frowning from the battlements, that Decatur and a handful of brave men, in a little xebecque, disguised as fishermen, fastened themselves to the frigate, sprang on board, and after a fierce and bloody encounter with the “malignant and turban’d Turk,” on the quarter deck, carried her at all points, drove the Turks into the sea, tore

down the crimson flag, fired her in several parts, and took to their little fishing smack, and sailed off triumphantly, regarding at a distance the sublime spectacle of the crackling flames illuminating the crescents of the mosques and the turrets of the castles; the blaze of artillery from the embrasures—the blowing up of the ship—the shrieks of the dying, and the imprecations of the Turkish soldiery together, ‘making night hideous.’”

It has been said, that Decatur, after recapturing the frigate, could not have brought her out; and in reply to that charge, it is said that his orders were positive to burn her. Burning her to the water's edge, was calculated to make a more deep and appalling impression upon the Mussulmen, than merely carrying away the ship; and this spirited act of Decatur's, while it reflected the highest honour on his courage, was loudly applauded throughout Europe, and infused new hopes in the nation, while it created on the part of the Pacha, a higher respect for our national capacities and resources, and compelled him to propose terms of peace.

The results of this extraordinary attempt were of incalculable advantage to the nation; they led to an honourable peace; to the abolishment of tribute; to the liberation of the suffering captives; to future peace and honour; to a gallant, ambitious spirit in the navy; to an increasing popularity in that branch of our defence; to a strict discipline,—and all of which were productive of future and permanent glory in the war with the greatest naval power of the world. These consequences go far to strengthen a claim which is in itself unquestionable, and would be recognised by all well organized and just governments.

The war with Algiers in 1815, was declared upon the same principle, and prosecuted with the same views as the former one with Tripoli; but the Algerines were a much more formidable power, possessing a stronger navy, and fortifications almost impregnable;—of a high, audacious, and unsubduable spirit. The command of the squadron was given to Decatur from the settled conviction, that his name was more familiar to the Barbary states, in consequence of his exploits before Tripoli; and in this idea, the Government was not mistaken. I was in that neighbourhood during the Algerine war; and it is a fact unparalleled in history, and almost inconceivable in the annals of warfare, that in *fifty days* after the squadron sailed from Sandy Hook, a treaty of peace was signed between Algiers and the United States, which included indemnification for the past, and security for the future. In that short space of time, Decatur had ar-

rived in the Mediterranean; fought and captured a frigate, and some small vessels; killed the Algerine Admiral; sailed into the harbour of Algiers, and ratified the treaty at the cannon's mouth.

It was not expected that our differences with Algiers would terminate without delay, bloodshed and cost;—the nation was determined to abolish tribute, and punish the Barbarians at every sacrifice; but the name of Decatur, the promptness of his movements, and his success on the threshold of the contest, saved a large sum to the Government, the loss probably of valuable lives, and secured additional honour and freedom to our flag.

Here was the harvest of that fame and national honour which first sprang up at Tripoli. From Algiers, the squadron sailed for Tunis, where a gross infraction of the treaty had been committed, and nearly \$50,000 of American property had been cut out by the British. We were on the spot at the time, and perceived the effect of the same influence. "Tell your Admiral to come ashore and see me," said the Bey. "He declines coming, your highness, until these disputes are settled, which are best done on board ship." "But this is not treating me with becoming dignity; Hamuda Pacha of blessed memory, commanded them to land and wait at the palace, until he pleased to receive them." "Very likely, your highness, but that was twenty years ago." "I know this Admiral; he is the same one who in the war with Sidi Yusef, of Trablis, burnt the frigate." "The same." "Hum! why do they send wild young men to treat for peace with old powers? Then you Americans don't speak truth; you went to war with England, a nation with a great fleet, and said you took their frigates in equal fight; an honest people always speak truth." "Well, sir, and that was true. Do you see that tall ship in the bay, with a blue flag (the *Guerriere*)? that was taken from the British; that one near the small island, (the *Macedonian*) was also captured on equal terms; that sloop near Cape Carthage, (the *Peacock*) was also taken in battle." The Bey laid down the telescope; reposed on his cushions, and with a small tortoise shell comb set with diamonds, combed his beard.

A small vessel got under weigh, and came near the batteries; a pinnace with a few men rowed about the harbour, and one person dressed in the garb of a sailor was taking soundings—it was Decatur. "Tell the Admiral to land," said the Bey, "and all shall be settled to his satisfaction," which was done.

From Tunis, Decatur went into Tripoli with the squadron, where difficulties also had arisen. These were soon and satisfactorily settled, and the old Pacha received in the most friendly manner, the commander of the squadron, who, when a young man, had destroyed his frigate, and bearded him under his very batteries.

It is, however, unnecessary to recapitulate the naval triumphs of our flag in the Mediterranean—they are known, duly appreciated, and are sources of great and honest pride—they have procured us indemnity for the past, and security for the future—and probably no officer has done more to bring about this desirable state of things, than Commodore Decatur.

Whilst these facts are every where admitted, and whilst the nation is disposed to pay the debt of gratitude due to a deceased gallant officer, the question at present relates to indemnity for destroying the Philadelphia frigate.

I am not apprised of the nature of the objections to the claim, if any objections are made. I can only say, that the nation has derived a greater benefit from the destruction of the Philadelphia frigate than from the possession of the frigate itself. She had been captured, and was in possession of the enemy, and was recaptured and destroyed;—the claim is therefore legal and equitable, and loses none of its force from its not having been heretofore liquidated. It is a claim that the nation recognises, and is bound in honour to pay; and one that the American people, I am persuaded, will feel a pleasure in adjusting to the satisfaction of the representative of Commodore Decatur, and the gallant crew who fought and conquered under him.

M. M. NOAH.

New York, November 8, 1826.

Letter from Captain Spence, relating to the recapture of the Philadelphia.

CLAREMONT, August 30th, 1826.

MY DEAR MADAM:

I have had the honour to receive your letter of the 29th instant, and with great pleasure communicate the impressions I received on rejoining the squadron soon after the destruction of the frigate Philadelphia.

I sailed from the U. S. in the Syren, Captain Stewart; and, unfortunately for myself, was left on shore at Leghorn, with the ship fever. During my absence, your illustrious

husband gave his name to the world adorned with imperishable renown. So soon as my health would permit, I joined the frigate *Constitution*, Commodore Preble, at Syracuse. I had previously been informed, at Naples, of the recapture and destruction of the *Philadelphia* by him, who was justly termed the "*terror of the foe*." It was an achievement admired as *unexampled*. At Naples you could hear of nothing but the "*brave Decatur*"—and all foreign officers with whom I conversed, spoke of it as a most brilliant affair, managed with the greatest address and intrepidity—an intrepidity which nothing but success could rescue from the imputation of rashness.

The destruction of the frigate *Philadelphia* is associated with the name of "*Decatur*" *only*—and I had always supposed him to be the projector of the enterprise, from the circumstance of his having been intrusted with its execution. There could be no other good reason assigned for the preference given him in the presence of older officers.

I am under the impression that Commodore Decatur was the first to suggest the recapture of the frigate *Philadelphia*: but to me, the merit of the affair appears to be wholly independent of the first suggestion. The preparation for the enterprise, and its execution, was by him, who accomplished it in his *own peculiar way*, covering himself and his companions with honour, and the country with a glory more productive of respect than all *our previous tributes*.

ROBERT TRAILL SPENCE.

Mrs. DECATUR.

Letter from Captain Ridgely, relating to the capture of the Philadelphia.

PORTSMOUTH, N. H. Sept. 19th, 1826.

MY DEAR MADAM:

I have a most distinct recollection of all the circumstances attending the preparation for burning the *Philadelphia*; and I have no hesitation in saying that the whole originated with your late lamented husband—it was he who suggested to the late Commodore Preble, the possibility of the enterprise.

I am very sincerely your friend and servant,

(Signed)

CH. G. RIDGELY.

Mrs. S. DECATUR.

Letter from Captain Crane, relating to the capture of the Philadelphia.

NAVY YARD, CHARLESTON, }
September 4th, 1826. }

MY DEAR MADAM:

I have the honour to acknowledge the receipt of yours of the 22d ult. My recollections are very distinct relative to the recapture of the frigate Philadelphia. It has always been my belief that Commodore Decatur planned as well as executed the enterprize.

I have the honour to be with the highest respect,
Your obedient servant,

W. M. CRANE.

Mrs. DECATUR.

United States' Frigate CONSTITUTION, }
Syracuse Harbour, Jan. 31, 1804. }

SIR:

You are hereby ordered to take command of the prize ketch, which I have named the Intrepid, and prepare her with all possible despatch, for a cruise of thirty days, with full allowance of water, provision, &c. for seventy-five men. I shall send you five midshipmen from the Constitution, and you will take seventy men, including officers, from the Enterprize, if that number can be found ready to volunteer their services for boarding and burning the Philadelphia, in the harbour of Tripoli; if not, report to me, and I will furnish you with men to complete your complement. It is expected you will be ready to sail to-morrow evening, or some hours sooner, if the signal is made for that purpose.

It is my orders that you proceed to Tripoli, in company with the Syren, lieutenant Stewart, enter that harbour in the night, board the Philadelphia, burn her, and make good your retreat, with the Intrepid, if possible, unless you can make her the means of destroying the enemy's vessels in the harbour, by converting her into a fire ship, for that purpose, and retreating in your boats and those of the Syren. You must take fixed ammunition and apparatus, for the frigate's 18-pounders; and if you can, without risking too much, you may endeavour to make them the instruments of destruction to the shipping and Bashaw's Castle. You will provide all the necessary combustibles for burning and destroying ships. The destruction of the Philadelphia is an object of great importance, and I rely with confidence on

your intrepidity and enterprise to effect it. Lieutenant Stewart will support you with the boats of the Syren, and cover your retreat with that vessel. Be sure and set fire in the gun-room births, cockpit, store-rooms forward, and births on the birth deck.

After the ship is well on fire, point two of the 18-pounders shotted, down the main hatch, and blow her bottom out. I enclose you a memorandum of the articles, arms, ammunition, fire works, &c. necessary, and which you are to take with you. Return to this place as soon as possible, and report to me your proceedings. On boarding the frigate, it is probable you may meet with resistance; it will be well, in order to prevent alarm, to carry all by the sword. May God prosper and succeed you in this enterprise.

I have the honour to be, Sir, your obedient servt.

(Signed)

EDWARD PREBLE.

Lieutenant Commandant DECATUR, Intrepid.

On board the Ketch Intrepid, at Sea, }
February 17, 1804. }

SIR:

I have the honour to inform you, that in pursuance to your orders of the 31st ultimo, to proceed with this Ketch, off the harbour of Tripoli, there to endeavour to effect the destruction of the late United States' frigate Philadelphia, I arrived there, in company with the United States' brig Syren, lieutenant commandant Stewart, on the 7th, but owing to the badness of the weather, was unable to effect any thing until last evening, when we had a light breeze from the N. E. At 7 o'clock, I entered the harbour with the Intrepid, the Syren having gained her station without the harbour, in a situation to support us in our retreat. At half past 9 o'clock laid her alongside of the Philadelphia, boarded, and after a short contest, carried her. I immediately fired her in the store-rooms, gun-room, cockpit, and birth deck, and remained on board until the flames had issued from the spar deck, hatch ways, and ports; and before I had got from alongside, the fire had communicated to the rigging and tops. Previous to our boarding, they had got their tompons out, and hailed several times, but not a gun fired.

The noise occasioned by boarding and contending for possession, (although no fire arms were used) gave a general alarm on shore, and on board their cruisers, which lay about a cable and a half's length from us, and many boats filled

with men, lay around, but from whom we received no annoyance. They commenced a fire on us from all their batteries on shore, but with no other effect than one shot passing through our topgallant sail.

The frigate was moored within half gunshot of the *Bashaw's Castle*, and of their principal battery; two of their cruisers lay within two cables' length on the starboard quarter, and their gun boats within half gun shot on the starboard bow. She had all her guns mounted and loaded, which, as they became hot, went off. As she lay with her broadside to the town, I have no doubt but some damage has been done by them. Before I got out of the harbour her cables had burnt off, and she drifted in under the *Castle*, where she was consumed. I can form no judgment as to the number of men on board, but there were twenty killed. A large boat full got off, and many leapt into the sea. We have made one prisoner, and I fear from the number of bad wounds he has received, he will not recover, although every assistance and comfort has been given him.

I boarded with sixty men and officers, leaving a guard on board the *Ketch* for her defence; and it is with the greatest pleasure I inform you I had not a man killed in this affair, and but one slightly wounded. Every support that could be given, I received from my officers, and as each of their conduct was highly meritorious, I beg leave to enclose you a list of their names. Permit me also, Sir, to speak of the brave fellows I have the honour to command, whose coolness and intrepidity was such, as I trust will ever characterise the American tars.

It would be injustice in me, were I to pass over the important services rendered by Mr. *Salvadore*, the pilot, on whose good conduct the success of the enterprise in the greatest degree depended. He gave me entire satisfaction.

I have the honour to be, Sir, &c.

(Signed)

STEPHEN DECATUR.

Com. EDWARD PREBLE, commanding U. S. squadron in the Mediterranean.

Extracts from Commodore Preble's Official Despatches.

United States' Ship *CONSTITUTION*, }
Syracuse Harbour, 19th of February, 1804. }

SIR:

I have the honour to inform you that the United States' brig *Syren*, lieutenant commandant Stewart, and

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ketch Intrepid, of four guns, lieutenant commandant Decatur, arrived here last evening from a cruise. They left this port the 3d instant, with my orders to proceed to Tripoli, and burn the frigate, late the United States' frigate Philadelphia, at anchor in that harbour. I was well informed that her situation was such, as to render it impossible to bring her out; and her destruction being absolutely necessary to favour my intended operations against this city, I determined the attempt should be made. I enclose you copies of my orders on this occasion, which have been executed in the most gallant and officer-like manner, by lieutenant commandant Decatur, assisted by the brave officers and crew of the little ketch Intrepid, under his command. Their conduct in the performance of the dangerous service assigned them, cannot be sufficiently estimated. It is beyond all praise. Had lieutenant Decatur delayed one half hour for the boats of the Syren to have joined him, he would have failed in the main object, as a gale commenced immediately after the frigate was on fire, and it was with difficulty the ketch was got out of the harbour. The Syren, owing to the lightness of the breeze in the evening, was obliged to anchor at a considerable distance from the city, which prevented her boats from rendering such assistance as they might have done, had they entered the harbour earlier.

Lieutenant Stewart took the best position without the harbour, to cover the retreat of the Intrepid, that the lightness of the breeze would admit of. His conduct through the expedition, has been judicious and highly meritorious. But few of the officers of the squadron could be gratified by sharing in the danger and honour of the enterprise.

In justice to them, I beg leave to observe, that they all offered to volunteer their services on the occasion, and I am confident, whenever an opportunity offers to distinguish themselves, that they will do honour to the service. I enclose you lieutenant commandant Stewart and Decatur's official communication, with the names of the officers on board the ketch.

With the highest respect,

I have the honour to be, Sir,

Your most obedient humble servant.

(Signed)

EDWARD PREBLE.

The crew of the Intrepid consisted of
Lieutenant Stephen Decatur, Jr. commander.

Lieutenants { James Lawrence,
Joseph Bainbridge,
Jonathan Thorn.

Surgeon Lewis Heermann.

Midshipmen { Ralph Izard,
John Rowe,
Charles Morris, Jr.
Alexander Lewis,
John Davis,
Thomas M'Donough,
Thomas O. Anderson, from the Syren.

Pilot Salvator Catalina, and sixty-two men.

The Philadelphia, at the time she was destroyed, was lying in the harbour of Tripoli, protected not only by her own guns, and a considerable number of Turks on board, but by a number of batteries on shore, gun boats, gallies, &c. viz:

Fort English, mounting,	7 guns.
American,	7
Palace,	10
Between Palace and Molehead,	14
Molehead and Crown battery,	19
Fort Way,	11
Two small batteries,	9
Malta battery,	9
Half-moon battery,	10
West Diamond battery,	9
Battery with arched embrasures,	3
Western battery,	7

Of heavy calibre, 115 guns.

19 Gun boats,

2 Gallies,

2 Schooners of 8 guns each, and one brig of 10 guns.

All the batteries and vessels were fully manned; the whole number of troops estimated at 25,000 Arabs, &c. The whole naval force of the United States, in the Mediterranean, at that period, was 1 frigate, 3 brigs, 3 schooners, 2 bombs, 6 gun boats, manned by 1060 men. Before the Philadelphia was taken by the Tripolitans, the demand of the Bashaw of

Tripoli, for peace, was 200,000 dollars, and the repayment of all his expenses during the war. After her destruction, he agreed to make peace on our terms, viz: Exchange of prisoners, man for man, and 60,000 dollars for the surplus in his possession. The Bey of Tunis had frequently threatened war, but was deterred no doubt by the impression produced by the energy of our squadron.

Commodore Preble to the Secretary of the	
Navy, February 3, 1804, estimates the	
American captives in Tripoli, at	- 300
The Tripolitan captives,	- - - 60
	<hr/>
Balance of prisoners in favour of Tripoli,	240
	<hr/> <hr/>

Commodore Preble to J. L. Cathcart, February 19th, 1804.

The Philadelphia was got off the rocks without damage; all her guns were taken out to float her close in with the Bashaw's Castle, where she was moored; her guns were then put on board, and the ship and her batteries got in fine order. Her guns were kept loaded, tompons out, and a strong guard constantly on board.

Sidi Mahammed Dghies, Minister at Tripoli, to Captain William Bainbridge, 5th March, 1804.

In the actual state of things, and above all, on account of the anger of his excellency the Bashaw, who has rendered himself inaccessible, you must know, captain, that I cannot undertake to charge myself with another negotiation [to obtain the benefit of fresh air for captain B. and officers, who were kept closely confined after the burning of the Philadelphia.]

Colonel Lear to Commodore Preble, Algiers, 23d March, 1804.

The burning of the Philadelphia is a circumstance which does honour to the head which planned, and the bold enterprise which executed it. I think it must be productive of good effects to our affairs in this sea.

The loan of gun-boats, so essential in the operations before Tripoli, of August and September, 1803, was not obtained till the 13th of May, 1804. The destruction of the Philadelphia had its influence no doubt in obtaining the loan.

It is understood that the Bashaw of Tripoli was anxious to dispose of the Philadelphia to some of the other Barbary powers in exchange for smaller fleet vessels, with which he might extensively annoy our trade in the Mediterranean, to the protection of which, our naval force in that sea would have been inadequate. This impending mischief was avoided by the destruction of the Philadelphia.

WASHINGTON, DEC. 15th, 1825.

Dear Sir:

I have submitted a claim to Congress, and I am induced to trouble you with a few details relative to it, which, although pretty generally known at the time they occurred, have, I am afraid, been long since forgotten, except by those persons particularly interested in them.

My beloved husband attributed all the success of his last brilliant cruise in the Mediterranean, to the impression that had been made upon those nations by the recapture of the Philadelphia, and the attack upon the Tripolitan gun boats: and I think you will perceive the probability of its truth, if you will compare his squadron, (three Frigates, and two or three smaller vessels) with that of Lord Exmouth, which soon followed, and which the Algerines resisted, and completely cut to pieces.*

* *List of Vessels composing the combined Fleets under Lord Exmouth.*

Queen Charlotte,	100 guns.	Impregnable,	-	98 guns.
Superb, - - -	74	Minden, - - -	-	74
Albion, - - -	74	Leander, - - -	-	50
Glasgow, - - -	40	Severn, - - -	-	40
Hebrus, - - -	36	Granicus, - - -	-	36
Heron,	} Brigs.	Infernal,	} Bomb vessels.	
Mutine,		Belzebub,		
Prometheus,		Hecla,		
Cordelia,		Fury,		
Britomart,				

Flotilla, consisting of four gun-boats, ten mortar-boats, five rocket-boats, thirty-two gun-boats, barges and yawls,—total 55.

Dutch.

Melampus, - - -	40 guns.	Frederica, - - -	44 guns.
Diana, - - -	40	Amstel, - - -	44
Dagaraad, - - -	36	Endracht, - - -	24

The English had six hundred and ninety-five wounded, and one hundred and thirty-eight killed. The Dutch had thirteen killed, and fifty-two wounded.

The squadron under Commodore Decatur, consisted of three frigates, one sloop of war, one brig, and three schooners.

When my beloved husband arrived off Algiers, with the force I have mentioned, he had prepared, on the passage, a treaty, containing all that this Government had ever desired, or that he himself could anticipate; more than had ever been granted, or even asked for, by any other nation.*— This treaty he sent on shore with a note to the Dey, stating that if it was not signed and returned to him within five hours, he would not treat with him at all. It was accordingly signed and returned within the time specified; and the Dey observed to one of his ministers, in the presence of the interpreter, that he would not have agreed to such terms for any power in the world, except the man who went in a dark night, and burnt the Philadelphia—that there was no knowing what such a person might do; and it was better to make peace upon his own terms. And thus was obtained for the United States, without the sacrifice of a life, or a spar, or even a rope, what, in a few months afterwards, cost England a great many lives, and some millions of dollars, to repair the injury sustained by Lord Exmouth's squadron,†

* Article 18th of Com. DECATUR's Treaty with Algiers, states, that, "If any of the Barbary powers, or other States at war with the United States, shall capture any American vessel, and send her into any port of the Regency of Algiers, they shall not be permitted to sell her, but shall be forced to depart the port, on procuring the requisite supplies of provisions; but the vessels of war of the United States, with any prizes they may capture from their enemies, shall have liberty to frequent the ports of Algiers for refreshment of any kind, and to sell such prizes in the said ports, without paying any other customs or duties than such as are customary on ordinary commercial importations."

This article our government voluntarily relinquished in 1816, in the following words:—The United States of America, in order to give to the Dey of Algiers, a proof of their desire to maintain the relations of peace and amity between the two powers, upon a footing the most liberal, and in order to withdraw any obstacle which might embarrass him in his relations with other States, agree to annul so much of the 18th article of the foregoing treaty, as gives to the United States any advantages in the ports of Algiers, over the most favoured nations, having treaties with the Regency.

† *Extract from Lord Exmouth's official letter.*—"Would to God, that in the attainment of this object, I had not deeply to lament the severe loss of so many gallant officers and men; they have profusely bled in a contest which has been peculiarly marked by proofs of such devoted heroism, as would rouse every noble feeling, did I dare to indulge in them."

N. B. There were an hundred and thirty-eight killed, and six hundred and ninety-five wounded.

(the largest ever sent out from England,) in obtaining his treaty; and which treaty has already been violated, and the nation subjected to all the expense of another war; whereas, I have not heard that either Algiers, or any other of the Barbary powers, has manifested any disposition to break with us; which I think is a proof that they stand more in awe of us than of any other nation; and there has been nothing to produce such an impression, except my beloved husband's terrific attack upon them; encountering them hand to hand, while under their own batteries; a mode of warfare to which they were not accustomed from their Christian enemies; and which had such an effect upon them, that this nation is at this day reaping the benefits of it, and, I am afraid, without recollecting from whence they are derived.

It is now more than twenty years, that the United States have not lost a single cent by the depredations of any of the Barbary powers; and during that period, there is not another maritime power in the world that has not been, more or less, subjected to their plunder.

The Dey of Algiers paid for every dollar's worth of property, to a very large amount, he had seized and captured during the war; a circumstance so unexpected to our Government, that they had not even authorized the demand to be made.

So soon as the peace with Algiers was concluded, my beloved husband proceeded to Tripoli and Tunis; and both these places immediately paid down the full value (an hundred and twenty thousand dollars) of the American vessels which they had permitted the British to cut out of their ports during our war with England.

I presume every one will admit, that a prize made with such an incredibly inferior force, as in the case of the Philadelphia, ought to belong exclusively to the captors; and that the same valour and spirit of enterprise which had enabled them to retake her, would have enabled them to bear her

off, if the Commanding Officer of the squadron had permitted them to make the experiment. During the late war with England, our Commanders were permitted to exercise their own discretion as to the disposition of their prizes; either to destroy them, or to send them into port; and my beloved husband, amidst difficulties which the captors of all the other frigates deemed insurmountable, succeeded in conducting the *Macedonian* more than half way across the Atlantic, and got her safely into port; and he believed he could have been equally successful with the *Philadelphia*, if he had been permitted to make the experiment. But Commodore Preble, who was the representative of the Government, thought it more for the interest of the nation, that she should be destroyed on the spot, than to risk even the possibility of her falling again into the hands of the enemy; who would thereby have been induced to increase their extravagant demand for the ransom of Captain Bainbridge and his crew, and have protracted the expenses of the war greatly beyond the value of the frigate. But he had no idea that he was depriving his little band of heroes of the fruit of their desperate valour; or that the nation could hesitate a single moment, under such circumstances, to pay them the full value of their prize—of which he declared he would not touch a dollar; that they deserved it all!!

I hope you will have the goodness to revert to the state of your affairs with Tripoli at that period.

She was in possession of one of your largest and finest frigates, with upwards of three hundred of your most valuable seamen and officers; while your own force, so far from being able to make any impression, was deemed inadequate to the protection of your commerce. It is therefore evident, that had it not been for the recapture of the *Philadelphia*, the Government must have incurred the expense of fitting out a much larger squadron, or they must have acceded to the Bashaw's exorbitant demand of two hundred thousand dol-

lars, and all his expenses for the war; for, to have left so many of your fellow-citizens in slavery, was, I presume, a thing entirely out of the question.

I hope you will also recollect, that the recapture of the Philadelphia was not an event in the ordinary routine of duty, but that it was an enterprise of such a daring nature, that the Government would never have ordered it to be attempted; that it was a forlorn hope! planned and suggested by my gallant husband, with a view to frighten those barbarians into terms; and thereby to release his fellow-citizens, who had been languishing nearly two years in slavery, and the Government had not succeeded, either by negotiation or arms, in effecting their liberation. And I will beg leave further to remind you, that the same gallant spirit, by his influence and example, led his brave companions through the perilous enterprise; and that he also planned and executed the attack upon the Tripolitan gun-boats; a service from which his rank exempted him, and which promised nothing but the glory of his country. There was no hope of promotion, for he had attained the highest grade in the Navy. There was no prospect of pecuniary profit, because the vessels to be attacked were known to be of little or no value. They were merely batteries.

I ought to offer some apology for troubling you with this detail; but I know it is that part of my beloved husband's public life, upon which he prided himself most, and I am anxious that his country should understand and appreciate it as he himself did.

The order of Commodore Preble for the destruction of the frigate, was given several hundred miles distant from the scene of action; and founded upon such information as he could obtain of the state of things in an enemy's port; and still more upon a firm conviction that there could not be survivors enough, after such a conflict, to ensure the safe navigation of the ship out of the reach of the enemy; and that

she might possibly fall again into their hands: and as the main object was to deprive them of her, he thought it most prudent to secure that as speedily as possible. But the event proved that there was not a life lost on our side, nor an individual rendered unfit for duty. There was no attempt whatever, made by the Tripolitans to recover the ship. The captors kept possession of her some time after the victory, believing they could make a more effectual resistance from the ship than from the ketch. There was no vessel in the harbour of sufficient force to pursue the frigate, whereas there were several vastly superior to the ketch; but such was the terror, that they did not attempt even to follow her.

When this gallant enterprise was achieved, the Navy, unfortunately, had not obtained the confidence of the nation; and my beloved husband had its prosperity too much at heart, to permit him to press any subject that might tend to render it more unpopular. He therefore determined to await a more auspicious moment: and during the war with England, when a more favourable sentiment had been inspired, he thought it unpatriotic and unofficer-like, to bring forward pecuniary demands when he knew the difficulty the Government had in raising sufficient funds to prosecute the war; and while he himself was daily using his own personal credit and influence, to obtain the necessary supplies for the force under his command. Immediately after the peace with England, he was ordered to the Mediterranean; and on his return from thence, he was appointed to the Navy Board; and he then thought there would be an indelicacy in bringing forward a claim in which he was so particularly concerned, while he was in daily habits of intimacy with the Members of Congress—that its success might, in that case, be ascribed to personal influence; whereas he wished it to stand exclusively upon its own merits. Since the claim devolved upon me, I had not, until within the last eighteen

months, recovered sufficient energy of mind to attend to my pecuniary interests—and these are the causes why it has been so long delayed. It belongs almost exclusively to widows, orphans, and aged seamen, for whom the law makes no provision. There are at least twenty orphans, (five of whom have been recently added to the list, by the death of the gallant M'Donough,) children of the brave officers who achieved this victory, who without it, will be left to grow up in ignorance and obscurity; and perhaps with feelings of disgust at the injustice of their country, in refusing them the means of becoming useful and distinguished citizens, and of perpetuating the laurels which their fathers so bravely won. I think I may venture to assert that the heroism of this achievement laid the corner stone of all our naval glory: and has moreover saved to the nation many millions of dollars, that must otherwise have been sacrificed to the rapacity of the Barbary powers.

I beg leave to subjoin a copy of a note from Com. Jones, Navy Commissioner, who was a prisoner in Tripoli when the Philadelphia was recaptured.

I remain, my dear Sir,

Very respectfully,

Yours.

S. DECATUR.

Washington, Dec. 8, 1825.

DEAR MADAM:

In reply to your note of yesterday, I have the pleasure to say, that I know of nothing which could have rendered it impracticable to the captors to have taken the Philadelphia out of the harbour of Tripoli. The water was sufficient, and I believe the wind was favourable; consequently, nothing but the want of skill in the pilot who was with them, was likely to have prevented such a result, if it had been attempted. The brig Syren, which lay off the

harbour, would have been sufficient to have protected her the moment that she had cleared the port.

I am respectfully, yours.

(Signed)

JA'B. JONES.

Mrs. DECATUR.

Certificate of Salvadore Catalano.

The subscriber certifies, that he was attached to the American Squadron in the Mediterranean, as Pilot on board of the frigate Constitution, commanded by Commodore Preble. That he was sent in the ketch Intrepid, to pilot her into the harbour of Tripoli, for the purpose of destroying the frigate Philadelphia, then in possession of the Tripolitans. That owing to his perfect acquaintance with the harbour of Tripoli, and his personal knowledge of the people and their language, the ketch was permitted to come alongside of the Philadelphia. That he is, and always was, of opinion, that in the state of the wind at the time, and his knowledge of the current and the soundings of the harbour, that the ship might have been brought out with safety, had not orders been peremptorily given to destroy her. That he gave this opinion to Commodore Decatur, on board the Philadelphia, at the moment of her capture; who was only prevented by his orders, from making the attempt. That all the nautical men with whom he has conversed on the subject, and to whom he has explained the grounds of his opinion, have acknowledged the correctness of his statements.

SALVADORE CATALANO.

Navy Yard, Washington, Dec. 19, 1825.

MY DEAR MADAM:

I cannot, with any precision, state the distance that the frigate Philadelphia was from the entrance of the harbour, at the time she was set fire to, as our situation did not admit our seeing her and the whole of the harbour at the same time; but as the entire length of the harbour is about 3 or 4 miles, I am of the opinion that she must have been from 2 to 2½ miles from the entrance.

Respectfully, yours.

JACOB JONES.

Mrs. DECATUR.

Letter from Com. Jones, Navy Commissioner, relative to the proper mode of distributing the prize money.

WASHINGTON, 28th Nov., 1825.

DEAR MADAM:

In compliance with your request, that I should make known to you my opinion respecting the division of the sum that may be voted to the captors of the frigate Philadelphia, in the harbour of Tripoli; I have to state to you the following as the manner comporting with my idea of equity in that case. First, that there should be made a dividend of the money in the same legal proportion to each officer and seaman, as if the class in which he was comprised was full; and then, that the surplus money should be redivided in the same manner, until entirely distributed.

I am, very respectfully,

Yours.

(Signed)

J. B. JONES.

Mrs. DECATUR.

Letter from Captain Rodgers, relative to the distribution of the prize money.

NEW-LONDON, 8th Nov., 1826.

MADAM:

I have been honoured with your favour of the 1st inst. enclosing the copy of a bill reported by the Naval Committee in your favour, and take the earliest opportunity to assure you that it has my hearty concurrence, as the only equitable way in which the distribution can be made. The few gallant spirits that accompanied the hero who was the soul of that important and hazardous enterprise, should alone share with his respected widow, what I trust the justice and gratitude of his country will grant unanimously. The high veneration in which I hold the remembrance both of the public and private virtues of your lamented husband, will always command any services within my power. I must ever consider whilst under his distinguished command, as the proudest and happiest years of my naval career.

Be pleased, my dear madam, to accept the assurance of the unalterable respect and esteem of your obedient servant.

GEORGE W. RODGERS.

Mrs. SUSAN DECATUR.

Letter from Captain Warrington, relative to the distribution of prize money.

NAVY COMMISSIONERS' OFFICE, }
November 4th, 1826. }

DEAR MADAM:

The letter which you did me the honour to address to me at Norfolk, reached me so short a time before my departure from that place, as to prevent me from answering it there, or as quickly as I could have wished.

I have read over attentively, the copy of the bill now pending, in which you are so materially interested; and am decidedly of opinion, that its provisions are equitably adapted to the case.

The peculiar circumstances under which that exploit was achieved, which added so greatly to the national character, and so essentially benefited our country in that quarter, takes it out of the line of cases contemplated by the act of Congress apportioning prize money, and seems to require a specific compensation.

This view of the subject receives additional weight, from the universal impression, that the planner and suggester of the expedition, was also its executor.

I am, with great respect and regard,

Your obedient servant.

L. WARRINGTON.

Letter from Captain Crane, relative to the distribution of prize money.

NAVY YARD, CHARLESTON, }
October 31st, 1826. }

MY DEAR MADAM:

I am favoured with your letter of the 25th instant—and concur with the Committee of Congress, who reported a bill at the last session in favour of your claim: the manner they propose distributing the compensation, appears to me just and equitable.

I have the honour to be,
With the highest respect and esteem,
Your obedient servant,

W. M. CRANE.

Mrs. DECATUR, Georgetown, D. C.

Letter from Captain Spence, relative to the distribution of prize money.

BALTIMORE, MAY 19th, 1826.

DEAR MADAM:

I have had the honour to receive your letter of the 11th inst. covering a copy of an opinion given by Capt. J. Jones, as to the proper distribution of the sum which may be voted by Congress as a reward for the destruction of the frigate Philadelphia in the harbour of Tripoli, by your lamented and much loved husband.

I concur with Captain Jones in opinion, and believe the mode pointed out by him to be perfectly equitable, and best calculated to do justice to all who took part in that gallant achievement, to our country above all price.

With my best wishes for your health, I remain, dear Madam, very sincerely yours.

ROBERT TRAILL SPENCE.

Letter from Captain Read, relative to the distribution of prize money.

NEW YORK, MAY 28th, 1826.

MY DEAR MADAM:

I have the honour to acknowledge the receipt of your letter dated the 22d instant—and have perused with attention, its enclosures.

I regret exceedingly to learn that Captain Morris has interfered with your claim, by stating objections to the mode and manner of distribution. I am not acquainted with the views of Capt. M. on this subject; nor have I, since my return, met with any person capable of explaining to me the wishes of the parties; but the copy of the bill which you have been pleased to send me cannot be misunderstood, and I have no hesitation in expressing my opinion of its being as equitable a mode for the distribution of the amount when obtained, as any that can well be devised.

Until very lately, I never heard it doubted, that the plan for the destruction of the frigate Philadelphia originated with your husband. But this is of little moment, when we come to reflect that his memory cannot be robbed of the glory of having achieved the enterprise. In public life, we all know that it is much easier to suggest and plan, than it is to execute.

I have the honour to be, Madam,

Your obedient servant.

GEO. C. READ.

Mrs. SUSAN DECATUR.

Letter from Captain Ridgely, relative to the distribution of prize money.

PORTSMOUTH, N. H. }
Nov. 14th, 1826. }

I have had your letter of the 12th ult., my dear Madam, for some time, and must plead as my apology for not having given it my more early attention, a multiplicity of duties beyond my control.

You ask of me to give my unreserved opinion of "the bill" reported by the Naval Committee, based upon "the same proportions that are prescribed between the commanders and the Lieutenants, &c. &c. &c. in the cases of the *Guerriere*, *Macedonian*, and *Java*," and "that Capt's. Jones, Spence, Crane, and Read, combine in thinking it as equitable a division as could be made in such a case."

I am free to confess that I do not think "the bill" all that I could wish, and which I think you are justly entitled to. If I understand that "bill," you can only be entitled to receive *three-20ths* of a *frigate destroyed* by our *cruising frigates*, (such as the *Guerriere*, for instance,) and for which the Government only allowed \$100,000; therefore, you would be only entitled to \$15,000, when my impressions are, that the daring and gallant act of your late lamented husband on the *captured* frigate *Philadelphia*, gave him an *exclusive claim* on his Government for a deed unrivalled, and which did more to brace the nerves of the officers of our navy to noble and chivalric deeds, than all others since we have been a naval nation.

My opinion is, therefore, that a bill should be drawn to *compensate* (as far as pecuniary compensation can go) the widow of that heroic man, who, by his noble deeds, stood preeminent in our nation, and who *died* for the honour and reputation of his country; and I think that if \$100,000 can be so appropriated, that one-half of which will go to you, it will not be more than you have a right to ask, and certainly not more than you have a right to expect.

If I can serve you, while I am abroad, I pray you to command your friend and faithful servant.

CHARLES G. RIDGELY.

Mrs. S. DECATUR.

Instructions from the Navy Department.

NAVY DEPARTMENT, April 15th, 1815.

SIR:

The Government of the United States having declared war against the Regency of Algiers, the President has appointed you to command the squadron immediately destined to act against that power.

As it is considered that the squadron at present under your command, is not sufficiently strong to attempt offensive operations against the town and batteries of Algiers, you may await an augmentation of force, which will follow from the United States with all possible despatch; and use your own discretion in directing the operations of your squadron in such manner as to produce the most effect upon the enemy, or for the more immediate protection of our commerce to and from the ports of that sea.

With every wish for your success, and the most honourable result of your expedition, I am, very respectfully, Sir, your obedient servant.

(Signed)

B. W. CROWNINSHIELD.

Com. STEPHEN DECATUR, Commander in Chief of the }
U. S. Squadron destined to the Mediterranean, N. Y. }

Mr. Monroe, Secretary of State, to William Shaler, U. S. Consul at Algiers, and Captains William Bainbridge and Stephen Decatur.

DEPARTMENT OF STATE, April 10, 1815.

WILLIAM SHALER, }
WM. BAINBRIDGE, & } Esquires, Commissioners
STEPHEN DECATUR, } of the U. S. for treating
of peace with Algiers.

Gentlemen:

The unprovoked war which the Dey and Regency of Algiers have declared against the United States, excited that degree of resentment in their Government and People, which it justly merited. Congress, at their last session, manifested their sense of this act, by declaring war against that power, and authorizing the equipment of such a force as would secure the desired effect. The largest squadron that ever sailed from this country, is now ordered against Algiers, under the command of officers of great experience and talents, from whose judgment and gallantry the happiest result is an-

ticipated. For the conduct of the war, instructions will be given to the commander of the squadron, by the Secretary of the Navy. This letter will prescribe the conditions of the peace which you are authorized by the President to conclude, and for which you will receive, herewith, a commission, signed by him.

An honourable and lasting peace is the great object of this expedition. An early one would be agreeable; but none must be made, unless it be honourable. Whenever such a peace can be obtained, you will conclude it. The spirit in which this war has been declared by the Government of Algiers, with its well known policy and character, forbid the hope of obtaining such a peace by other means than the dread, or success of our arms. If a just punishment should be inflicted on those people for the insult and injuries we have received from them, the peace might be more durable than if it should be concluded at the first approach of our squadron. Let not this, however, form any motive for your conduct, especially in delaying the peace. It is the duty of the Government to terminate the war as soon as it may be done on just and honourable conditions. We may, it is presumed, rely on the credit already acquired by our arms and the known gallantry of our people for the faithful execution of the treaty, and future respect from that power. Should we, however, be disappointed in this reasonable expectation, as the United States are rapidly increasing in their population, and rising in their importance as a commercial and maritime nation, they will, every year, have it more in their power to inflict the punishment on them, which, for the present, may be spared.

Without a strong force presented before the town of Algiers, or collected in the Mediterranean, at some advantageous point or station, prepared to act, it is believed that such a treaty as the United States ought to accept, cannot be obtained. Whether it will be better to proceed directly with the squadron in front of the town, before an attempt is made to negotiate, or to remain at some distance, your own judgments, aided by the intelligence you may obtain of the enemy's force, the state of the city, and other circumstances, will be your best guides.

In coming before the town, it is usual to hoist the flag of a neutral friendly power, to invite negotiation with a view to peace, before proceeding to extremities. The Consul of that nation then comes on board in an Algerine boat, and he is made the organ of a message to the Dey, such as the

power thus circumstanced, may think proper to send him. Should this be done, as the Consul of Sweden, M. Norduling, has been friendly to the United States, the flag of Sweden is preferred. Supposing it possible that you may take this course, the President has thought it proper to address a letter to the Dey, which is enclosed, to be used by you, should you find it expedient so to do. This letter will, of course, be delivered to a discreet and confidential messenger, who will be authorized and instructed to give such answers to the inquiries of the Dey, and to make such communications to him, as you may deem most likely to accomplish the objects in view.

At whatever time the negotiation is opened, whether it be before or after proceeding to extremities, the conditions must be such as are honourable to the United States. No tribute will be paid, no biennial presents made; the United States must hold the high ground with that power which they ought to hold: they must stand on the footing of the powers of Europe, who are most respected there, such as England, France, and Russia. Complimentary attentions and presents when Consuls are presented, or at other times, such as those powers make, the United States are willing to make, but none other. These must be voluntary, not compulsory or stipulated by treaty. That point being secured, the United States will not fail to make such as may suit their rank as a nation, having in view the good disposition manifested towards them by the Government of Algiers, on which they will depend.

The discharge of our citizens, so unjustly captured, will be a necessary consequence of peace. The payment of any money for their liberation, especially by way of ransom, would countenance the late unwarrantable declaration of war by the Dey, and might invite another war, with a view to a like claim. It is the object of the United States to put an end to these odious practices, as to themselves, so far as circumstances will admit, and in which they cannot fail to succeed, if the undertaking is favoured by the powers who are supposed to have a common interest in it. Should this, however, appear to be a formidable obstacle to a peace which might otherwise be obtained on honourable and satisfactory conditions, it is presumed that it may be removed by an informal understanding that it is not the mere question of the sum demanded that prevents a provision for it in the treaty, but the recognition of the principle. In the way of a present, after the conclusion of the treaty, a reasonable sum may be given to him gratuitously.

The honourable termination of the war with England, with which the Government of Algiers is, doubtless, well informed, and the complete liberation of our forces for this service, must satisfy the Dey that he has much to dread from the continued hostility of the United States. From the formidable force ready to assail him, he must anticipate the most serious disasters; and when he recollects how rapidly we have grown to the present height, a sure presage of the high destiny which awaits us, he will find no cause to hope for any change in his favour. Great confidence is therefore entertained, that you will readily succeed in accomplishing the important objects of the expedition.

The Secretary of the Treasury has been requested to take measures for placing in the hands of Baring, Brothers, and Co., the bankers of the United States in London, subject to your drafts, the sum of thirty thousand dollars. It is proper that two at least of the commissioners should sign the drafts which it may be necessary to draw upon the bankers, and that the most favourable rate of exchange should be obtained in the negotiation of them. The proceeds will be applicable to the purchase of the presents which may become necessary in case of peace, the disbursement of which you will keep a particular account of, taking vouchers in all cases, where it is practicable.

I have the honour to be, &c.

(Signed)

JAMES MONROE.

Remarks upon the Claim of Mrs. Decatur, as representative of the late Com. Decatur, in behalf of herself and of the Officers and men of the ketch Intrepid, for compensation in the nature of prize money, for the capture of the Philadelphia in the harbour of Tripoli.

That the captors might, if not peremptorily enjoined to the contrary by their orders, have brought off their prize, and reaped the pecuniary reward designed them by the law, is a matter of the highest probability; and approximates certainty as near as any unaccomplished event can do. They found her completely equipped and fitted for sea, and prepared for action,—even to the loading of her guns. After all the time spent in the action; in preparations to execute the order for the destruction of the ship; in the effectual application of the means of destruction, according to the details of the order; and in waiting to see the progress and effect of the same, and

to repel the apprehended attempts of the enemy to retake the ship, before her destruction had been placed beyond doubt;—after all this lapse of time, the captors effected their retreat, in their own vessel, without the loss of a man.—I apprehend that the means and the chances of escape in the captured frigate, were incalculably greater and more certain, if the captors had been at liberty to cut her cables and hoist sail, the instant they had mastered her decks. Two obstacles were to be apprehended and guarded against, whether they retreated in their own vessel, or in the prize; recapture and impediments of navigation. Against the first, the superior means of defence in the frigate are too obvious to be insisted on: and I take it for granted, that her faculties as a sailer, the depth of water and other circumstances must have opened her a way to the sea, at least as safe and speedy as that of the ketch *Intrepid*.—But the *time* which would thus have been gained, must be held conclusive. The advantage it would have given the captors is incalculable:—and even if it were possible to suppose that the intrinsic difficulties opposing their egress in the frigate, were greater than what they encountered in the ketch, (an hypothesis deemed wholly inadmissible) still the advantage of time must more than have compensated them. Com. Preble framed his order when at a great distance from the scene of action; and, reasoning from probabilities and circumstances in general, he inferred that the enterprise, even to the extent of taking and destroying the frigate, would have been attended with more difficulty and loss than actually occurred. He did not anticipate the consequences, to their full extent, of the panic terror, with which the suddenness of the attack and the heroic bearing of the assailants struck the enemy: he probably anticipated desperate resistance, and a serious sacrifice of life. It was obviously impossible for him, at that distance, to judge of the actual state and condition of the frigate, or of the existing means and facilities for bringing her off; which must have depended on contingencies which he had no possible means of ascertaining: such as the losses to be sustained by the assailants, in carrying her; the state of her equipment for defence or for sailing; of the wind, weather, &c. Her destruction by so well-planned and daring an enterprise, was deservedly considered as of the utmost importance to the operations then going on against Tripoli; as well from its moral effect upon the enemy, as the abstraction of so much of his positive force. This great object, the Commodore concluded from the facts and circumstances then known to him,

would have been put in too much hazard, by an attempt to push the enterprise to the point of still more signal and glorious success, by bringing off the prize in the face of the enemy. But it turned out, in the event, that this would have been far the safer and easier achievement. 'Tis understood, indeed, to be the opinion of the most experienced and skilful naval commanders, that if Com. Preble had conducted the enterprise in person, he would upon the spot, and with a full view of all the circumstances, have changed his plan, and brought off the frigate. This is well known to have been the decided and clear opinion of the illustrious commander, who first suggested, and then executed the enterprise with so much glory and advantage to himself and his country. 'Tis well known that while he faithfully and punctually fulfilled the orders of his superior in command, he would gladly have followed the bent of his own genius, by taking the course pointed out by the circumstances and the event of the action.

As to one of the questions which have been suggested in this case, whether the captors acquire a beneficial property and interest in a maritime prize of war, before adjudication, I have, on a former occasion, been called upon to give it full consideration: and the opinion then expressed, and the reasons advanced in the affirmative, I yet adhere to, with a confidence corroborated by the success with which they were maintained before a tribunal of preeminent learning and talent.

The general principle, deduced from the maritime law of nations, has been settled by repeated decisions, of the highest authority in this country; and stands clear of any possible doubt. The transfer of the property of prize, from the one belligerent to the other, at the instant of capture; a property for which the victor's flag is the all-sufficient badge, and which can be divested only by recapture or by the sentence of a competent court;—the consequent capacity of the captor to vindicate his right of property and possession by every species of possessory action, or other judicial remedy inherent to every lawful possession coupled with a beneficial interest, have been distinctly and conclusively established by a concurrence of numerous decisions, both in the former federal court of appeals, and in the present supreme court of the U. States. By these the property is held to be so indefeasibly vested in the captor, by the mere capture, without adjudication as prize, that it was not divested by his setting fire to his prize at sea, and giving her up to destruction, for

the want of adequate force to bring her into port. This was decided by the federal court of appeals, in the *Mary Ford*,* and reconsidered and approved by the supreme court in the *L'Invincible*.† An American ship found the *Mary Ford* in this desperate condition at sea, extinguished the fire, and brought her safe into port: where she was claimed both by the original British owner and by the French captor: the claim of the former was rejected, and restoration on salvage decreed to the captor. In the *Josepha Segunda*‡ it was decided that an unadjudicated prize, brought by the captor into a neutral port, might there be absolutely forfeited by a breach of the local laws of trade. A stronger illustration of the rights acquired by mere capture, before condemnation, need not be desired: for here, an indefeasible transfer of the property was held to have been operated by the sole act of the captor; and expressly for the reason that his title is vested by virtue of the capture alone, and instantaneously that it is achieved: subject to be divested only by recapture, or by the sentence of a competent tribunal.§

Such are the clear and unquestionable rights of property incident to maritime capture, *jure belli*, as deduced from the maritime law of nations. That there is no distinction, in this respect, between the rights of belligerent captors in general, and those of the officers and men belonging to the public and private armed ships of the United States, under the several acts of Congress by which their respective rights are recognised, has been settled, after full discussion and mature consideration, by the late Board of Commissioners for the adjudication of claims upon Spain, under the treaty with that power, commonly called the Florida treaty; which was the occasion, before mentioned, which had formerly led me to examine the question. It was there presented in various cases of captures during the late war with Britain, some by our public ships of war, some by privateers; whose prizes had been seized or despoiled in Spanish ports, before adjudication. In these cases, it was decided that the captors in both descriptions of capture, had acquired such an interest in their respective prizes, by the mere capture, without any adjudication, as entitled them to demand indemnity from Spain, just as any other proprietors, who had suffered the like injuries; and, consequently, that they ought to be admitted as claimants under the treaty. It was ne-

* 3 Dal. 188.

† 1 Wheat. 259.

‡ 5 Wheat. 357.

§ For some additional illustration, vid. the Resolution, 2 Dal. 1. The *Neustra Senora*, 4 Wheat, 501.

ver imagined that, when the acts of Congress superadded the solemnity of condemnation, as one of the requisites to the full and perfect enjoyment of the fruits of prize, it was intended to make it the preliminary requisite to the investiture of the right of property. By the terms of the act it is made necessary for the purpose only of authorizing the *disposal* of the prize, and the *distribution* of the prize money. The specific property in the prize itself, was not in the contemplation of the legislature: they speak only of the “proceeds” and the distribution of the “prize money” resulting from the disposal of the prize after condemnation: it is for this only that the captors are to await the process of regular adjudication.* This precaution of public policy, to prevent the irregularities and abuses that might follow from the unlimited disposal and appropriation of prizes by captors, without any judicial sanction of the capture, has been more distinctly pronounced and emphatically enjoined in the case of privateers;—who are expressly forbidden to break bulk, or make any other disposal or conversion of their prizes, before due condemnation by a competent tribunal.† It never entered into the conception of Congress to make any change in the rule of public law, by which the transfer of the property of prize from the one belligerent to the other had been determined. To have placed the rights of the officers and men of our own navy upon a foot of inequality, in this respect, with those of other nations, would have been not more injurious to the individuals, than a disparagement of the belligerent rights of the United States as a sovereign power. The only office and effect assigned to a sentence of condemnation, by the various acts of Congress on the subject of recapture, salvage and prize, are merely to annex to the right of property, acquired *jure belli*, the qualities of being disposable; so as to let the captors into the actual fruition of the proceeds, and to bar the right of postliminy in the original owner, as opposed to the rights of recaptors and vendees. Beyond this, the greatest sticklers, elsewhere, for the necessity of adjudication to consummate the property of prize, have not pushed the doctrine in *practice*. As to the case of the *Elsebe*,‡ decided by Sir William Scott, I do not think that any fault can be found with the decision

* Vid. Act of April 23, 1800, ch. 33, for the better government of the Navy, secs. 5 & 6, vol. 3, p. 360.

† Act of June 26, 1812, ch. 107, sec. 6, vol. 4, p. 450.

‡ 5 Rob. 155.

upon the point directly put in issue by that case;—which was simply that the government may, by a treaty of peace, lawfully restore a prize before condemnation; and that the question of compensation to the captor rests with the government, and not with the court of prize. I should not have doubted the power of the British government, or of any other government, to do this, in virtue of the *Eminent Domain* incident to sovereignty;—but upon the indispensable condition of making just compensation for the private rights of property affected by the measure: a condition which public morality and public law have made coextensive with the power; and which has, in express terms, been annexed to it by the constitution of the United States.* The principle derogates nothing from the captor's inherent rights of property, in virtue of the mere capture; because it extends to every species and quality of property belonging to the citizens or subjects of the sovereign, without distinction, whether it be qualified in its nature, or consummate and perfect. In the argument of the court, however, in the *Elsebe*, some *dicta* are uttered, going rather beyond the principle necessary to be decided in the case. These may be referred to certain peculiar and favourite doctrines of that court, on the general necessity and effect of a sentence of condemnation, which have, in a great measure, resulted from the policy and interest of Britain in her relative condition as a maritime power: but from which to infer a sentence of condemnation to be an indispensable prerequisite to the transfer of the property of prize from one belligerent to another, would be not only to set aside the whole current of decisions in our own courts, sustained by those of the great majority of civilized nations, but would very far transcend any practical decision in England, either of the courts of admiralty or of common law;—notwithstanding some certain *dicta* of the former. Their courts of common law have clearly decided that the captor acquires a beneficial interest in the prize, upon which he may effect insurance, “from the moment the victor hoists his flag on board the conquered ship.”† The present claim, like that of insured upon insurer, is strictly a claim for *indemnity*;—in which it is universally held to be utterly immaterial whether the property be qualified and

* NOTE.—This doctrine has been adverted to, and pretty fully explained in the memorial of Mr. Meade, presented to the President some years ago—and about to become a subject of discussion before the present Congress.

† 1 Marsh. on Insur. 107-8.

require some ulterior process for its consummation, or be consummate to every practical purpose of perfect fruition.— It has already been shown that, upon general principles, and according to all law and precedent in this country, the property of the captor, in an unadjudicated prize, is consummate to every beneficial purpose but that of being changed into the shape of prize money for distribution; and of being assignable, *ad infinitum*. discharged from the right of postliminy: and when the actual decisions of the English courts of admiralty and common law come to be critically examined and compared, they will be found to give the same practical result.

Whether Congress, when they awarded compensation, in lieu of prize money, to the captors of the *Guerriere* and *Java*, proceeded upon the ground of strict right or of equitable indemnity, cannot perhaps be positively asserted. But, either way, these precedents come up fully to the principle of the present claim;—if they do not go beyond it. In those cases, the destruction of the prizes necessarily resulted from the action, and from the fortune of war;—while, in this, the captors might have preserved their prize and enjoyed the fruits of their toil and danger, but for the intervention of an overruling order, positively forbidding it. In other respects, it is submitted with confidence, that there can be no defect of merits, either positive or comparative, in the captors of the *Philadelphia*, to exclude them from the benefit of these precedents; whatever the principle upon which they were established.

W. JONES.

December 9, 1825.

CASE.

An American man of war having succeeded in effecting the capture of an enemy's vessel of superior force, having entirely dispossessed the enemy and obtained undisputed possession, in obedience to peremptory orders, destroys the prize without bringing her into port, and before obtaining a decree of condemnation in a prize court; have such captors any legal claim to the value of the captured property, as against the United States?

OPINION.

The claim of captors to the proceeds of prizes taken by them from the enemy, is founded on the 5th sec. of the act

of Congress of April 23, 1800; which enacts that "the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors."

By the law of nations, and independently of any statutory provision, all captures enure to the exclusive benefit of the government. Most nations, however, have, for the purpose of stimulating those in their service to greater vigilance and activity, granted this interest, or a portion of it, under special circumstances, to the individuals by whom the prizes are made. The statute to which I have referred, contains the terms and conditions upon which this right is transferred in the cases specified under our own law. It operates as a contract between the nation and the captors.

It might be imagined that the language of the statute implies that condemnation as prize of war is an essential preliminary to the vesting of this right. I cannot, however, bring my mind to the conclusion, that Congress, in this indirect manner, designed to commit the country upon the important and much litigated question, when the right of property is completely vested in the captors. Some writers on public law have held that condemnation is essential; others, of equal authority, have sanctioned the opposite doctrine.—From obvious motives of policy, Great Britain has lent her countenance to the former opinion, but it has never yet been absolutely settled in this country; and it cannot easily be believed that Congress designed to determine the question in this collateral manner. Indeed, there seems little necessity for insisting upon it as indispensably requisite, except in the case of neutral property which has become obnoxious to capture by some violation of belligerent rights. The right of the neutral, presumptively unquestionable, ought to be divested only by a judicial decree fixing upon him the offence which involves as its consequence the forfeiture of his property as prize. Where, however, the property is avowedly and notoriously hostile, condemnation as prize is not universally necessary, and may be regarded as little more than a mere formality. Our own courts have held that simple belligerent possession confers a right, which can be questioned only by superior force of arms on the part of the enemy, or its validity judicially determined in the courts of the captors themselves. At all events, under the strictest decisions of the English courts, an inchoate right vests immediately by the very act of capture, which is re-

cognised as susceptible of transfer, of insurance, and other acts of ownership, and which is distinguishable only in degree from the same rights when perfected by the decree of a prize court.

In this view of the case I am unable to discriminate between a right of this description and any other species of property, which, by the constitution of the United States, it is prohibited to take for public purposes without compensation. If a capture has been legally effected, if the captors are in undisputed possession of the prize, and the government, to subserve its own purposes, surrenders it to the enemy, relinquishes it to a neutral, employs it in military operations, by which it is lost to those interested in the proceeds, or consigns it to inevitable destruction, it appears to me that it is bound by every principle of equity and of law to compensate the individual captors to the full value of their respective interests. The constitution equally protects the citizen in the enjoyment of those rights of property which are inchoate and remain to be perfected by some ulterior proceedings, as of those which are absolute and indispensable.

Upon another ground, I conceive the claim to be equally well founded: even upon the supposition that condemnation by the admiralty was an essential preliminary to the vesting of the right in the captors. If the performance of this condition has been prevented by the act of the government itself, it is by every principle of law precluded from availing itself of the fact of such non-performance. To interpose an insuperable impediment in the way of the performance of a condition, is tantamount to a waiver of it. If, then, by the authority of the government or of superior officers, who must be considered as the organs of the government, captured property is taken out of the hands of the captors and appropriated to public purposes, and the captors are thus deprived of the power of obtaining a condemnation, they stand in the eye of the law in the same predicament, and their rights are as perfect, as if the decree of condemnation had actually passed. The physical power belongs to the government: and that may as well be exerted after the prize is brought into port, delivered into the custody of the marshal, and the cause is ready for judgment, as at the moment of capture or at any intermediate period of time. An interposition of this kind it is usual to put as one of those extreme cases which cannot practically be anticipated, because it would be indecorous even to suppose the government guilty of so gross an act of injustice.

The principles which have been stated, seem to have been recognised and sanctioned by the highest authorities in our country, on some memorable occasions. It is necessary to refer only to one, which strikes me as perfectly coincident. In the summer of 1805, a squadron under the command of Commodore Decatur, captured an Algerine Frigate and a Brig—they were in possession of the captors. With a view to promote the public interests, the negotiators for peace agreed to restore them to the enemy; not by treaty, but as a voluntary donation, after the treaty was completed, and because of their small value to us, as well as the great impression upon the enemy as to our resources, which such an act would produce. No condemnation had passed: the prizes had not been sent to the United States,—yet Congress considered the rights of the captors as perfect, and their interests as sacred; and they were accordingly compensated.—The same principle applies with equal strength to the case of a voluntary destruction by order of the Government as to that of a voluntary surrender. If any difference exists between the cases, it consists in this single circumstance, that in the one case the surrender was in virtue of a general authority, which subsequently received the sanction of the Government; in the other, the destruction was in compliance with previous orders.

The only judicial decision which I am aware of, which can be thought to contravene the principles which I have laid down, is one made by Sir William Scott, in December, 1804. (*The Elsebe*, 5 Rob.) That was the case of a Swedish vessel, which had been captured, and before condemnation, ordered to be restored; and the captors insisted upon their rights, notwithstanding the order of the government for the restoration of the property. The very distinguished judge, by whom the point was determined, viewed the question as one of great delicacy and difficulty, but he finally decided against the claim. Upon this decision, it is important to remark:—1. That the date of it being subsequent to the destruction of the *Philadelphia*, it cannot, with fairness, be held to govern the case. 2. The principle which rests at the foundation of the judgment, viz: that a decree of condemnation is essential to transfer the property, is not yet established in this country. It has been adopted in England from considerations of policy: the same motives, if they existed to the same extent in the U. States, have not yet been permitted to influence the decisions of our judicial tribunals. 3. The prerogative of the sovereign, was considered as involved in the question, and influenced the decision of the court: here

no such collateral motive exists. 4. The constitutional prohibition to apply the property of individuals to public purposes, without compensation, does not operate in England, to stay the arm of the government in disposing of the interests of its subjects. 5. The language of the grant to the captors in England, is much more restricted than that of our own statute: it directs that the prize may be lawfully sold and disposed of, "after the same shall have been to us finally adjudged lawful prize, and not otherwise;" recognising in express language, the necessity for a condemnation as an essential prerequisite before any interest vests in the captors.

If under these circumstances, Sir Wm. Scott felt the difficulty and delicacy of the question before him, it can scarcely be doubted that had he been sitting in an American instead of an English court, administering justice under our statute, and guiding himself by the principles of our constitution and government, he could scarcely have hesitated in sanctioning the validity of the claim of the captors.

On the whole, my opinion is, that in every case in which the captors have been prevented by the act of the government, or its lawfully authorized agents, from proceeding to adjudication and obtaining a decree of condemnation, the fair and just interpretation of the statute entitles them to remuneration to the full value of the property captured. As, however, no suit can be sustained against the United States, to enforce any pecuniary claim, the only resource is an application to the justice and equity of Congress.

The foregoing opinion assumes for its basis the two facts, that the vessel might have been brought out of the enemy's port; and that this was not done, by order of the commander. The situation of the Philadelphia frigate, not more than from two miles to two and a half from the mouth of the harbour; the wind favourable, which would have enabled her to pass over this space within a quarter of an hour, justify to the minds of those who are not skilled in nautical matters, the decided opinion of Captain Jones, than whom no more competent judge can be found, and of the pilot who accompanied the expedition. The orders of Commodore Preble are equally decisive of the other question.

RICHARD S. COXE.

Georgetown, D. C., December 2, 1825.

[From the *Analectic Magazine*, Vol. 1, for 1813.]

When Lieutenant Decatur returned to the United States, he was ordered to take command of the *Argus*, and proceed in her to join Commodore Preble's squadron, then in the Mediterranean, and on his arrival there, to resign the command of the *Argus*, to Lieutenant Hull, and take the schooner *Enterprise*, then commanded by that officer. After making that exchange he proceeded to Syracuse, where the squadron was to rendezvous. On his arrival at that port he was informed of the fate of the frigate *Philadelphia*, which had ran aground on the Barbary coast, and fallen into the hands of the Tripolitans. The idea immediately presented itself to his mind of attempting her recapture or destruction. On Commodore Preble's arrival, a few days afterwards, he proposed to him a plan for the purpose, and volunteered his services to execute it. The wary mind of that veteran officer at first disapproved of an enterprise so full of peril; but the risks and difficulties that surrounded it only stimulated the ardour of Decatur, and imparted to it an air of adventure, fascinating to his youthful imagination.

The consent of the Commodore having been obtained, Lieutenant *Decatur* selected for the expedition, a ketch (the *Intrepid*) which he had captured a few weeks before from the enemy, and manned her with seventy volunteers, chiefly from his own crew. He sailed from Syracuse on the 3d February, 1804, accompanied by the United States brig *Syren*, Lieutenant Stewart, who was to aid with his boats and to receive the crew of the ketch, in case it should be found expedient to use her as a fireship.

After fifteen days of very tempestuous weather, they arrived at the harbour of Tripoli a little before sunset. It had been arranged between Lieutenants Decatur and Stewart, that the ketch should enter the harbour about ten o'clock that night, attended by the boats of the *Syren*. On arriving off the harbour, the *Syren*, in consequence of a change of wind, had been thrown six or eight miles without the *Intrepid*. The wind at this time was fair, but fast declining, and Lieutenant Decatur apprehended that, should he wait for the *Syren's* boats to come up, it might be too late to make the attack that night. Such delay might be fatal to the enterprise, as they could not remain longer on the coast, their provisions being nearly exhausted. For these reasons he determined to adventure into the harbour alone, which he did about eight o'clock.

An idea may be formed of the extreme hazard of this en-

terprise from the situation of the frigate. She was moored within half gunshot of the Bashaw's Castle, and of the principal battery. Two of the enemy's cruisers lay within two cables' length, on the starboard quarter, and their gun-boats within half gunshot, on the starboard bow. All the guns of the frigate were mounted and loaded. Such were the immediate perils that our hero ventured to encounter with a single ketch, beside the other dangers that abound in a strongly fortified harbour.

Although from the entrance of the place where the frigate lay was only three miles, yet, in consequence of the lightness of the wind, they did not get within hail of her until eleven o'clock. When they had approached within two hundred yards, they were hailed and ordered to anchor, or they would be fired into. Lieutenant Decatur ordered a Maltese pilot, who was on board the ketch, to answer that they had lost their anchors in a gale of wind on the coast, and therefore could not comply with their request. By this time it had become perfectly calm, and they were about fifty yards from the frigate. Lieutenant Decatur ordered a small boat that was alongside the ketch to take a rope and make it fast to the frigate's fore chains. This being done, they began to warp the ketch alongside. It was not until this moment that the enemy suspected the character of their visitor, and great confusion immediately ensued. This enabled our adventurers to get alongside of the frigate, when Decatur immediately sprang on board, followed by Mr. Charles Morris, midshipman. These two were nearly a minute on the deck, before their companions could succeed in mounting the side. Fortunately, the Turks had not sufficiently recovered from their surprise to take advantage of this delay. They were crowded together on the quarter deck, perfectly astonished and aghast, without making any attempt to oppose the assailing party. As soon as a sufficient number of our men had gained the deck, to form a front equal to that of the enemy, they rushed in upon them. The Turks stood the assault but a short time, and were completely overpowered. About twenty were killed on the spot, many jumped overboard, and the rest fled to the main deck, whither they were pursued and driven to the hold.

After entire possession had been gained of the ship, and every thing prepared to set fire to her, a number of launches were seen rowing about the harbour. This determined Lieut. Decatur to remain in the frigate, from whence a better defence could be made than from on board the ketch. The

enemy had already commenced firing upon them from their batteries and castle, and from two corsairs that were lying near. Perceiving that the launches did not attempt to approach, he ordered that the ship should be set on fire, which was done, at the same time, in different parts. As soon as this was completely effected they left her, and such was the rapidity of the flames, that it was with the utmost difficulty they preserved the ketch. At this critical moment a most propitious breeze sprang up, blowing directly out of the harbour, which, in a few minutes, carried them beyond the reach of the enemy's guns, and they made good their retreat without the loss of a single man, and with but one wounded.

For this gallant and romantic achievement, Lieutenant Decatur was promoted to the rank of Post Captain, there being at that time no intermediate grade. This promotion was particularly gratifying to him, inasmuch as it was done with the consent of the officers over whose heads he was raised.

In the ensuing spring, it being determined to make an attack upon Tripoli, Commodore Preble obtained from the King of Naples the loan of six gun-boats and two bombards, which he formed into two divisions, and gave the command of one of them to Captain Decatur, the other to Lieutenant Somers. The squadron sailed from Syracuse, consisting of the frigate *Constitution*, the brig *Syren*, the schooners *Nautilus* and *Vixen*, and the gun-boats.

Having arrived on the coast of Barbary, they were for some days prevented from making the attack, by adverse wind and weather; at length on the morning of the 3d of August, the weather being favourable, the signal was made from the Commodore's ship to prepare for action, the light vessels towing the gun-boats to windward. At 9 o'clock the signal was made for bombarding the town and the enemy's vessels. The gun-boats were cast off, and advanced in a line ahead, led on by Captain Decatur, and covered by the frigate *Constitution*, and the brigs and schooners. The enemy's gun-boats were moored along the mouth of the harbour under the batteries, and within musket shot. Their sails had been taken from them, and were ordered to sink, rather than abandon their position. They were aided and covered likewise by a brig of 16 and a schooner of 10 guns.

Before entering into close action Capt. Decatur went alongside each of his boats, and ordered them to unship their bowsprits and follow him, as it was his intention to board the enemy's boats. Lieut. James Decatur command-

ed one of the boats belonging to Lieut. Somers's division, but being further to windward than the rest of his division, he joined and took orders from his brother.

When Capt. Decatur, who was in the leading boat, came within range of the fire from the batteries, a heavy fire was opened upon him from them and from the gun-boats. He returned their fire, and continued advancing until he came in contact with the boats. At this time, Commodore Preble, seeing Decatur approaching nearer than he thought prudent, ordered the signal to be made for a retreat: but it was found that in making out the signals for the boats, the one for a retreat had been omitted. The enemy's boats had about forty men each; ours an equal number, twenty-seven of whom were Americans and thirteen Neapolitans. Decatur, on boarding the enemy, was instantly followed by his countrymen, but the Neapolitans remained behind. The Turks did not sustain the combat, hand to hand, with that firmness they had obtained a reputation for: in ten minutes the deck was cleared; eight of them sought refuge in the hold; and of the rest, some fell on the deck, and others jumped into the sea. Only three of the Americans were wounded.

As Decatur was about to proceed out with his prize, the boat which had been commanded by his brother came under his stern, and informed him that they had engaged and captured one of the enemy; but that her commander, after surrendering, had treacherously shot Lieut. James Decatur, and pushed off with the boat, and was then making for the harbour.

The feelings of the gallant Decatur, on receiving this intelligence, may more easily be imagined than described. Every consideration of prudence and safety was lost in his eagerness to punish so dastardly an act, and to revenge the death of a brother as basely murdered. He pushed within the enemy's line with his single boat, and having succeeded in getting along side of the retreating foe, boarded her at the head of eleven men, who were all the Americans he had left.

The fate of this contest was extremely doubtful for twenty minutes. All the Americans except four were now severely wounded. Decatur singled out the commander as the peculiar object of his vengeance. The Turk was armed with an espartoon, Decatur with a cutlass: in attempting to cut off the head of the weapon, his sword struck on the iron and broke close to the hilt.—The Turk at this moment made a push, which slightly wounded him in the right arm and breast. He immediately seized the spear and closed with

him. A fierce struggle ensued, and both fell, Decatur uppermost. By this time the Turk had drawn a dagger from his belt, and was about to plunge it in the body of his foe, when Decatur caught his arm, and shot him with a pistol, which he had taken from his pocket. During the time they were struggling on the deck, the crews rushed to the aid of their commanders, and a most sanguinary conflict took place; insomuch, that when Decatur had despatched his adversary, it was with the greatest difficulty he could extricate himself from the killed and wounded that had fallen around him.

It is with no common feeling of admiration that we record an instance of heroic courage, and loyal self-devotion, on the part of a common sailor. During the early part of Decatur's struggle with the Turk, he was assailed in the rear by one of the enemy, who had just aimed a blow at his head with his sabre that must have been fatal; at this fearful juncture, a noble-hearted tar, who had been so badly wounded as to lose the use of his hands, seeing no other means of saving his commander, rushed between him and the uplifted sabre, and received the blow on his own head, which fractured his skull.—We love to pause and honour great actions in humble life, because they speak well for human nature. Men of rank and station in society often do gallant deeds, in a manner from necessity. Their conspicuous situation obliges them to do so, or their eagerness for glory urges them on; but an act like this we have mentioned, so desperate, yet so disinterested; done by an obscure, unambitious individual, a poor sailor, can spring from nothing but innate nobleness of soul. We are happy to add that this generous fellow survived, and now receives a pension from government.

Decatur succeeded in getting with both of his prizes to the squadron, and next day received the highest commendation, in a general order, from Commodore Preble.

Extract from Goldsborough's Naval Chronicle.

“The frigate Philadelphia, Captain Bainbridge, by an unforeseen and inevitable accident, had already been captured by the Tripolitans. This misfortune, which threw a number of accomplished officers and a valiant crew into oppressive bondage, and which had shed a gloom over the whole nation, as it seemed at once to increase the difficulties of a peace an hundred fold, was soon relieved by one of the

most daring and chivalrous exploits, that is found on our naval annals. Lieutenant Stephen Decatur, then one of Commodore Preble's subalterns, proposed a plan for recapturing or destroying the Philadelphia. The American squadron were at this time lying at Syracuse. Agreeably to the plan proposed, Lieutenant Decatur, in the ketch Intrepid, four guns and seventy-five men, proceeded under the escort of the Syren, Captain Stewart, to the harbour of Tripoli. The Philadelphia lay within half gunshot of the Bashaw's castle, and several gun-boats and cruisers surrounded her with zealous vigilance. The Intrepid entered the harbour alone about eight o'clock in the evening, and succeeded in getting near the Philadelphia between 10 and 11 o'clock, without having awakened suspicion of her hostile designs. This vessel had been captured from the Tripolitans, and assuming for this occasion her former national appearance, was permitted to warp alongside, under the alleged pretence that she had lost all her anchors. The moment the vessels came in contact, Decatur and his followers leaped on board, and soon overwhelmed a crew which was paralyzed with consternation. Twenty of the Tripolitans were killed. All the surrounding batteries being opened upon the Philadelphia, she was immediately set on fire, and not abandoned until thoroughly wrapped in flames; when a *favouring* breeze springing up, the Intrepid extricated herself from her prey, and sailed triumphantly out of the harbour amidst the light of the conflagration."

From the Washington Journal.

FROM ALGIERS.

Extract of a Letter to the Editor, from a friend, dated Algiers, Aug. 25, 1826.

A few hours only are left me to write to you and my friends. The vessel which affords us this occasion for Marseilles, belongs to Curacoa, owned by Capt. Cushing Stetson, formerly of Boston, and is loaded with Campeachy wood, by merchants of that city. She was bound from Campeachy to Marseilles, and within 60 miles of that city was visited by the Algerine squadron, cruising against Spanish commerce, and being found without a *Mediterranean pass*, was brought in here.—Had it not been for the undaunted spirit and inflexible character of Mr. Shaler, this vessel would have been

confiscated. The cargo was actually confiscated by the Minister of Marine, *Vtkel Hargee*, but was subsequently liberated by the Bashaw, on certain conditions. Our Consul declared to the Minister that the confiscation would be the cause of war. The Minister, under evident restraint, and even fear, exclaimed, "*kuf shey American!*" Who are the Americans—"are they the heavens," that we are eternally opposed by them? This discussion with the Bashaw proved him to be a man of fine judgment, and a Prince of elevated and magnanimous sentiments. He said that he well knew the stipulations of the treaty between the Regency and the United States, *for he was not, as in former days, unable to read*, and would scrupulously observe them. If the most precious cargo of the Indies, of pearls, and ingots of gold, were brought into this port, and proved to be American property, they should be held sacred, and restored. I was charmed with the urbanity and dignified manners of this Barbarous chief.

[To whom is the nation indebted for this state of security?
I do not hesitate to answer, to my gallant husband and his
brave associates!

S. DECATUR.]

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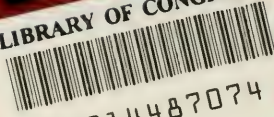








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